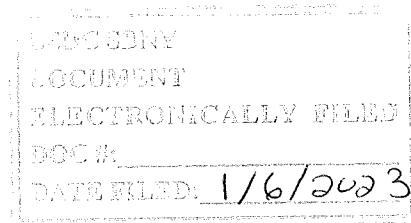


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SANTIAGO ZETULA,
Plaintiff,

v.

PADAMINAS BRAZILIAN BAKERY, INC.,
and PEDRO COELHO,
Defendants.
-----X

ORDER OF DISMISSAL

22 CV 8116 (VB)

On September 22, 2022, plaintiff Santiago Zetula commenced the instant action against defendants Padaminas Brazilian Bakery, Inc., and Pedro Coelho. (Doc. #1). On September 26, 2022, the Clerk issued an electronic summons as to both defendants.

On December 28, 2022, the Court issued an Order, stating more than ninety days had elapsed since plaintiff filed the complaint and, to date, plaintiff had not filed proof of service for either defendant on the docket. (Doc. #6). The Court reminded plaintiff that, pursuant to Rule 4(m) the Federal Rules of Civil Procedure: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m). Further, the Court ordered, "pursuant to Rule 4(m), this action will be dismissed without prejudice unless, on or before **January 4, 2023**, plaintiff either: (i) files on the ECF docket proof of service, indicating these defendants were served on or before December 21, 2022; or (ii) shows good cause in writing for its failure to comply with Rule 4(m)." (Doc. #6).

To date, plaintiff has not filed proof of service on the docket or otherwise shown good cause in writing for his failure to comply with Rule 4(m).

Accordingly, pursuant to Fed. R. Civ. P. 4(m) and 41, plaintiff's claims against both defendants are **DISMISSED WITHOUT PREJUDICE**.

The Clerk is instructed to terminate this case.

Dated: January 6, 2023
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge